

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAROLYNN L. HARDIN,	)	
	)	CIVIL NO. 3:20-cv-05847-RAJ
Plaintiff,	)	
	)	<del>PROPOSED</del> ORDER
vs.	)	
	)	
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Defendant	)	
	)	

This matter comes before the Court on Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on June 1, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan*

1 *v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review  
2 of the motion and the record, the Court determines that Plaintiff is the prevailing party,  
3 the government's position was not substantially justified, and that the itemization of  
4 attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

5 Having thoroughly considered the parties' briefing and the relevant record, the  
6 Court hereby GRANTS the motion and awards Plaintiff \$6,818.30 in attorney's fees,  
7 subject to any offset allowed under the Treasury Offset Program. *See Astrue v. Ratiff*, 560  
8 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be made payable to David Oliver  
9 and shall be sent to Plaintiff's attorney: David Oliver at David Oliver & Associates, 2608  
10 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable  
11 to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the Commissioner  
12 confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset  
13 program.  
14

15 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is  
16 GRANTED;

17 DATED this the 12th day of January, 2022.

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20 The Honorable Richard A. Jones  
21 United States District Judge  
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